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## REPORTER'S RECORD

VOLUME 1 OF 44 VOLUMES

TRIAL COURT CAUSE NO. 07-CR-885-B

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 :  
 STATE OF TEXAS : IN THE DISTRICT COURT  
 :  
 VS : 138th JUDICIAL DISTRICT  
 :  
 MELISSA ELIZABETH LUCIO :  
 : CAMERON COUNTY, TEXAS  
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11	Johnny Galvan	125	144	19
11	Diana Rodriguez	155		19
12	Defense Exercises 5th PS/Garcia		29	19
13				
14	Deft's PC Granted/Najera		69	19
15				
16	Defendant Objects/Question		112	19
17				
18	Court's Ruling/Sustained		112	19
19				
20	Juror No. 5/Galvan		149	19
21				
22	PM Rodriguez/Agreed Strike		159	19
23				
24	Adjournment		159	19
25	Certificate of Court Reporter		160	19

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1				
2		VOLUME 20		
3		INDIVIDUAL VOIR DIRE - DAY 6		
4	6/09/0			
5	NAME	STATE	DEFENSE	VOL
6	Melissa Quintanilla	7	22	20
7	Juror No. 6/Quintanilla		25	20
8	Leonardo Rivera	32	52	20
9	Esperanza Fuentes	62	80	20
10	Roger Brown	89	107	20
11	Agreed Strike/PM Brown		111	20
12	Pedro Cadena	115	131	20
13	Donald Jones	140		20
14	Alexandria Garza	149		20
15				
16	Further Instructions by the Court		54	20
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18	State Exercises 6th PS/Rivera		56	20
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20	Defendant Exercises 6th PS/Fuentes		84	20
21				
22	Agreed Strike/PM Cadena		134	20
23				
24	Agreed Strike/PM Jones		142	20
25				
26	Agreed Strike/PM Garza		167	20
27				
28	Adjournment		168	20
29	Certificate of Court Reporter		169	20

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1	VOLUME 21			
2	INDIVIDUAL VOIR DIRE - DAY 7			
3	6/10/08			
4	Defendant Present		3	21
5	Discuss./Schedule of Jurors		4	21
6	NAME	STATE	DEFENSE	VOL
7	Ernestina Espinoza	11	32	21
8	Jose Mares	49	58	21
9	Further Instructions by Court/Mares		64	21
10	State's PC Granted/Mares		68	21
11	Karen Smith	73	89	21
12	Agreed Strike/Smith		94	21
13	Jose Galvan	102	118	21
14	Defendant Present		121	21
15	Olivia Castillo	125	139	21
16	Defendant Exercises 7th PS/Castillo		145	21
17	Rosaena De Leon	151	170	21
18	Juror No. 8/De Leon		176	21
19	Yolanda Trevino	182	202	21
20	State's Challenge Granted/Trevino		219	21
21	Juan Cantu	224	244	21
22	Defendant's PC Granted/Cantu		248	21
23	Belinda Elizardi	254	271	21
24	Defendant's PC Granted/Elizardi		282	21
25	Maria Korab	290		21
	Agreed Strike/Korab		296	21
	Juror No. 7/Espinoza		42	21
	State Exercises 7th PS		120	21
	Adjournment		298	21
	Certificate of court reporter		299	21

1	VOLUME 22			
2	INDIVIDUAL VOIR DIRE - DAY 8			
3	6/11/08		PAGE	VOL
4				
5	Defendant Present		3	22
6	NAME	STATE	DEFENSE	VOL
7	Ernestina Soto	7	32	22
8	Defense Objects/Question		25	22
9	Defendant Exercises 8th PS/Soto		46	22
	Paulina Loya	52		22
10	Agreed Strike/Loya		61	22
11	Isabel Fuentes	67	74	22
12	Agreed Strike/Fuentes		76	22
	Jonathan Ayala	81	94	22
13	Defendant Exercises 9th PS/Ayala		106	22
14	Agreed Strike/A.W. Trevino		108	22
15	Defendant Present		108	22
16	Ana Gamez	114		22
17	Agreed Strike/Gamez		119	22
	Martha Barbosa	125		22
18	Agreed Strike/Barbosa		132	22
19	Victor Dias	137		22
20	Agreed Strike/Dias		142	22
	Eloy Abrego	148	165	22
21	Defendant's PC Granted/Abrego		176	22
22	Adjournment		177	22
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24	Certificate of Court Reporter		178	22
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1	VOLUME 23			
2	INDIVIDUAL VOIR DIRE - DAY 9			
3	6/12/08		PAGE	VOL
4				
5	NAME	STATE	DEFENSE	VOL
6	Gil Matthews	8	12	23
7	Agreed Strike/Matthews		14	23
8	Graciela Marroquin	19	40	23
9	State Exercises 8th PS/Marroquin		52	23
10	Defendant Present		53	23
	Rolando Gonzalez	59	79	23
11	Juror No. 9/Gonzalez		85	23
12	Laura Reyna	93	116	23
13	Agreed Strike/Reyna		123	23
14	Defendant Present		124	23
	Beatriz Torres	129	149	23
15	Dicussion/Exculpatory		150	23
16	Agreed Strike/Torres		151	23
17	Phebe Russell	158		23
18	Agreed Strike/Russell		161	23
	Jose Trevino	167		23
19	Agreed Strike/Trevino		173	23
20	John Woodall	179	198	23
21	Further Instructions		203	23
22	State Exercises 9th PS/Woodall		205	23
23	Adjournment		206	23
24	Certificate of Court Reporter		207	23
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1	VOLUME 24			
2	INDIVIDUAL VOIR DIRE - DAY 10			
3	6/13/08		PAGE	VOL
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5	NAME	STATE	DEFENSE	VOL
6	Gilberto Diaz	8		24
7	Agreed Strike/Diaz		16	24
8	Eladio Guajardo	22	47	24
9	Agreed Strike/Guajardo		53	24
10	Defendant Present		54	24
11	David Gomez	59	77	24
12	Further Instructions		85	24
13	Agreed Strike/Gomez		88	24
14	Yolanda Bonilla	95		24
15	Agreed Strike/Bonilla		100	24
16	Defendant Present		100	24
17	David Trevino	105		24
18	Agreed Strike/Trevino		112	24
19	Maria Rivera	119	123	24
20	Agreed Strike/Rivera		129	24
21	Ernesto Rodriguez	135		24
22	Agreed Strike/Rodriguez		139	24
23	Mary Wooten	146	167	24
24	Defendant Exercises 10th PS/Wooten		178	24
25	Adjournment		180	24
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1	VOLUME 25			
2	INDIVIDUAL VOIR DIRE - DAY 11			
3	6/16/08		PAGE	VOL
4	Defendant Present		3	25
5	NAME	STATE	DEFENSE	VOL
6	Miguel Alegria	8	27	25
7	Agreed Strike/Alegria		32	25
8	Constance Poland	37	64	25
9	Juror No. 10/Poland		69	25
10	Roberto Gutierrez	75	84	25
10	Roberto Gutierrez (Further IVD)	92		25
11	State Exercises 10th PC/Gutierrez		94	25
12	Ricardo Cavazos	100		25
13	Agreed Strike/Cavazos		104	25
13	Leslie Sanchez	109		25
14	Agreed Strike/Sanchez		112	25
15	Maud Jidestig	118		25
16	Agreed Strike/Jidestig		121	25
16	Jeffrey Haley	127	147	25
17	Defendant Exercises 11 PS/Haley		158	25
18	Guadalupe Garcia	163	166	25
18	Guadalupe Garcia (Further IVD)	171		25
19	State Exercises 11th PS/Garcia		178	25
20	Mike Garza	184		25
20	Mike C. Garza		204	25
21	Defendant's PC Granted/Garza		213	25
22	Kevin Crosby	219		25
23	Agreed Strike/Crosby		223	25
24	Adjournment		224	25
25	Certificate of Court Reporter		225	25

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1	VOLUME 26			
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3	INDIVIDUAL VOIR DIRE - DAY 12			
4	6/17/08		PAGE	VOL
5				
6	NAME	STATE	DEFENSE	VOL
7	Mark Mendoza	8		26
8	Agreed Excuse/Mendoza		10	26
9	Yolanda Bisco	16	41	26
10	State's PC Granted/Bisco		46	26
11	Roy Olivarez	52		26
12	Agreed Strike/Olivarez		56	26
13	Minerva Lopez	62		26
14	State's PC Granted/Lopez		85	26
15	Sally Smith	90	105	26
16	Defendant Exercises 12th PS/Smith		110	26
17	Santiago Robles	116	135	26
18	State Exercises 12 PS/Robles		139	26
19	Florence Huff	145	172	26
20	Defendant Exercises 13th PS/Huff		184	26
21	Luis Esparza	192	208	26
22	Defendant Exercises 14th PS/Esparza		213	26
23	Elida Garcia	219		26
24	State's PC Granted/Garcia		224	26
25	Guadalupe Garza	230		26
	Agreed Strike/Garza		235	26
	State's Discussion/CPS Records		235	26
	Adjournment		237	26
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1	VOLUME 27			
2	INDIVIDUAL VOIR DIRE - DAY 13			
3	6/18/08		PAGE	VOL
4	Defendant Present		3	27
5	NAME	STATE	DEFENSE	VOL
6	Gloria Garcia	8	27	27
7	Juror No. 11/Garcia		32	27
8	Discussion/Order of Jurors		33	27
9	Ramiro Ramos	40	56	27
10	Juror No. 12/Ramos		60	27
11	Agreed Strike/Burnias		65	27
12	Maricruz Cardoza	71	93	27
13	State's PC Granted/Cardoza		96	27
14	Agreed Strike/Aguirre		97	27
15	Agreed Strike/Fiscal		98	27
16	Agreed Strike/Jimenez		98	27
17	Guadalupe Luna	105		27
18	Guadalupe Luna, Jr.		127	27
19	Defendant's PC Granted/Luna		134	27
20	Agreed Excuse/Cespedes		136	27
21	William Anderson	141	161	27
22	Discuss. in re: Late Juror		165	27
23	State Exercises PS#13/Anderson		165	27
24	Herbert Houston	172		27
25	Agreed Strike/Houston		182	27
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1	VOLUME 28			
2	INDIVIDUAL VOIR DIRE - DAY 14			
3	6/23/08		PAGE	VOL
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5	NAME	STATE	DEFENSE	VOL
6	Juan Lozano	8		28
7	Agreed Strike/Lozano		11	28
8	Bernabe Cruz	17		28
9	Agreed Strike/Cruz		24	28
10	Richard Weaver	30	42	28
11	Agreed Strike/Weaver		46	28
12	Kimberly Mireles	52		28
13	Agreed Strike/Mireles		81	28
14	Susan Ortega	87		28
15	Agreed Strike/Ortega		92	28
16	Roberto Chapa	98	117	28
17	Defendant Exercises Last PS/Chapa		122	28
18	Maricela Hernandez	129	142	28
19	Alternate Juror No.1/Hernandez		154	28
20	Israel Sandoval	163	179	28
21	Defendant Exercises PS/Alternate		183	28
22	Maria Sandoval	189	193	28
23	Maria Sandoval	197		28
24	Agreed Strike/Sandoval		205	28
25	Minerva Rubalcava	212		28
	Agreed Strike/Rubalcava		221	28
	Ana Mendoza	227		28
	Agreed Strike/Mendoza		230	28
	Adjournment		233	28
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1	VOLUME 29			
2	INDIVIDUAL VOIR DIRE - DAY 29			
3	6/24/08	PAGE		VOL
4	NAME	STATE	DEFENSE	VOL
5	Emma Molina	8	24	29
6	Juror Selected (2nd Alternate)/Molina		28	29
7				
8	Adjournment		30	29
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10	Certificate of Court Reporter		31	29
11	VOLUME 30			
12	CHRONOLOGICAL INDEX - PRETRIAL NO. 12			
13	6/24/08	PAGE		VOL
14				
15	(Defendant & Attorneys Present		3	30
16				
17	Discussion/CPS Records		3	30
18				
19	STATE'S WITNESSES:			
20	NAME	DX	CX	RDX
21				RCX
22	Examination by the Court			VDX
23	Joanne Estrada	11		
24	Adjournment			
25	Certificate of Court Reporter			

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2		VOLUME 31					
3		CHRONOLOGICAL INDEX - PRETRIAL NO. 13					
4	6/25/08				PAGE		VOL
5	Discussion CPS records/Zavala				4		31
6	Discussion w/CPS Attorney Smith				6		31
7							
8	DEFENDANT'S WITNESSES:						
9	NAME	DX	CX	RDX	RCX	VDX	VOL
10	Luis Zavala	12					31
11	State Puts CPS on Notice					12	31
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13	Court's Ruling/CPS Records					15	31
14							
15	Discussion/Farley					15	31
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17	Plea Bargaining Discussion					17	31
18							
19	Court Speaks Directly to Defendant Lucio					18	31
20							
21	State's Offer to Defendant					21	31
22							
23	Discussion 404 Notice					21	31
24	Adjournment					22	31
25	Certificate of Court Reporter					23	31

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2	JURY TRIAL - DAY ONE						
3	6/30/08					PAGE	VOL
4	Invocation Of The Rule					3	32
5	Discussion: Daubert Mot.					4	32
6	Motion in Limine					7	32
7	Jury Sworn in					8	32
8	Court's Instructions					8	32
9	Indictment Read					13	32
10	Opening Statements by Mr. Padilla					14	32
11	Opening Statements by Mr. Gilman					18	32
12	STATE'S WITNESSES:						
13	NAME	DX	CX	RDX	RCX	VDX	VOL
14	Rebecca Cruz	24				36	32
15	Deft's. Mot./3822					49	32
16	Court's Ruling in re: Tapes					52	32
17	Deft. Objects/Exculpatory					62	32
18	STATE'S WITNESSES:						
19	NAME	DX	CX	RDX	RCX	VDX	VOL
20	Alfredo Vargas, MD	69	79	86	87		32
20	Rebecca Cruz	88					
21	Adjournment					92	32
22	Certificate of Court Reporter					92	32
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VOLUME 33							
JURY TRIAL - DAY 2							
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STATE'S WITNESSES:							
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Rebecca Cruz	4	16	47	54		33	
Jaime Palafox	63	71	72			33	
Robert Mendiola	74	78				33	
Randall Nester	80	94				33	
David Mendoza	96					33	
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Javier Villarreal	143	155			151	33	
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Court's Discussion/Alvarez DVD						3	34
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NAME	DX	CX	RDX	RCX	VDX	VOL	
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Court's Discussion/Alvarez DVD						3	34
STATE'S WITNESSES:							
NAME		DX	CX	RDX	RCX	VDX	VOL
Norma J. Farley, MD		5	52	58		43	34
Norma J. Farley, MD						44	
State Rests						60	34
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2		VOLUME 35					
3		JURY TRIAL - DAY 4					
4	7/07/08					PAGE	VOL
5	STATE'S WITNESSES: (DAUBERT MOTION.)						
6	NAME	DX	CX	RDX	RCX	VDX	VOL
7	Jose Kuri, MD	3	9	14			35
8	DEFENDANT'S WITNESSES:						
9	NAME	DX	CX	RDX	RCX	VDX	VOL
10	Jose Kuri, MD	19	44	85			35
11	Deft.Objts/Court's Demnr.					91	35
12	Sonia V. Chavez	93	100	111	114		35
13	DEFENDANT'S WITNESSES: (DAUBERT MOTION)						
14	NAME	DX	CX	RDX	RCX	VDX	VOL
15	Norma Villanueva	128	130				35
16	DEFENDANT'S WITNESS: (BILL OF PARTICULARS NO. 1)						
17	NAME	DX	CX	RDX	RCX	VDX	VOL
18	Norma Villanueva	141					35
19	DEFENDANT'S WITNESSES:/DAUBERT MOTION						
20	NAME	DX	CX	RDX	RCX	VDX	VOL
21	Joanne Estrada	145	150	35	184	172	35
22	DEFENDANT'S WITNESSES:						
23	NAME	DX	CX	RDX	RCX	VDX	VOL
24	Joanne Estrada	154	177	182			
25	Both sides closed					192	35

1	VOLUME 35						
2	JURY TRIAL - DAY 4						
3	7/07/08				PAGE	VOL	
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5	DEFENDANT'S WITNESS: (BILL OF PARTICULARS NO. 2)						
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7	John E. Pinkerman	194					35
8	Certificate of Court Reporter					197	35
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15	Court's Ruling/Charge					12	36
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17	Closing Arguments by MRS. DE FORD					16	36
18	Closing Arguments by MR. GILMAN					23	36
19	Closing Arguments by MR. PADILLA					39	36
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22	Jury Polled					64	36
23	Adjournment					66	36
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3		PUNISHMENT PHASE - DAY 6					
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8	Opening Statements by MR. VILLALOBOS				7	37	
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10	Opening Statements by MR. GILMAN				10	37	
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12	STATE'S WITNESSES: (PUNISHMENT PHASE)						
13	NAME	DX	CX	RDX	RCX	VDX	VOL
14	A.P. Merrillet	11	31	37	38		37
15	Joanne Estrada	39	67	78	80		37
16	Wendy Anaya	87	91			90	37
17	Alfonsa Castillo	92	105				
18	Carlos J. Borrego	115	127			120	
19	June Thompson	128	138	144			37
20	Norma J. Farley, MD	149					37
21	Mot./Instr. Verdict					165	37
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23	DEFENDANT'S WITNESSES:						
24	NAME	DX	CX	RDX	RCX	VDX	VOL
25	Norma Villanueva	173	219				37
26	Adjournment					236	37
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28	Certificate of Court Reporter					237	37

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2		VOLUME 38					
3		JURY TRIAL - PUNISHMENT (CONCLUDING)					
4	7/10/08				PAGE	VOL	
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6		DEFENDANT'S WITNESSES: (PUNISHMENT PHASE - CONTINUED)					
7	NAME	DX	CX	RDX	RCX	VDX	VOL
8	Norma Villanueva		3	55	57		38
9	Pinkerman, John E.	60					
10	John E. Pinkerman		81	133	135		38
11	Discussion/Charge					108	38
12	John E. Pinkerman			136			38
13	Both sides closed					137	38
14	Closing Arguments by MRS. DE FORD					142	38
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19	Closing Arguments by MR. PADILLA					158	38
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21	Closing Arguments by MR. VILLALOBOS					168	38
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13	MOTION/DISQUALIFICATION OF COUNSEL					
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20	Waiver of Possible Defect					13 40
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23	Court's Ruling on Request					17 40
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5	Anderson, Eileen					94	14
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6	Arredondo, Guadalupe					249	14
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7	Atkinson, Elvia					119	14
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8	Atkinson, Martha					416	14
	Baca, Doris					169	14
9	Barbosa, Maria					207	14
	Barrera, Maria					141	14
10	Beauchemin, Denise					213	14
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11	Bressler, Joseph					233	14
	Brown, Livia					202	14
12	Brown, Robert					206	14
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15	Campos, Bertha					231	14
	Campos, Juan					199	14
16	Canales, Debra					333	14
	Cantu, Juan					127	14
17	Cantu, Maria T.					278	14
	Cantu, Reynaldo					156	14
18	Cantu, Reynaldo					349	14
	Capetillo, Jaime					67	14
19	Capetillo, Jaime					282	14
	Cardenas, Lucia					379	14
20	Casanova, Iris					182	14
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21	Castillo, Carolina					80	14
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4	Cruz, Maria	304	14
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20	Garcia, Rosa	100	14
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22	Garza, Michelle	210	14
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23	Gomez, Blanca	142	14
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22	Rodriguez, Francisco	60	14
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18	De La Garza, Luis	81	103	16
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19	Dias, Victor	179		22
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20	Elizardi, Belinda	296	313	21
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21	Esparza, Luis	234	250	26
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23	Galvan, Johnny	167	186	19
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9	Hernandez, Maricela	171	184	28
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10	Huff, Florence	187	214	26
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11	Jimenez, Guadalupe	173	194	18
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12	Korab, Maria	332		21
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16	Marroquin, Graciela	61	82	23
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17	Mata, Pablo	80	96	17
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18	Mendoza, Ana	269		28
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19	Mireles, Kimberly	94		28
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20	Morgan, Roberta	82	94	18
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21	Navarro, Irma	51	63	18
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22	Ortega, Susan	129		28
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23	Perez, Fernando	102	114	18
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24	Quintanilla, Melissa	49	64	20
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25	Reyna, Laura	135	158	23
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COURT'S EXHIBIT 2 - (TO BE INCLUDED IN CLERK'S TRANSCRIPT)

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3     \* - ALL OF THESE EXHIBITS WERE ADMITTED UNDER THE BILL OF  
 4     PARTICULARS NO. 1

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7     **DEFENDANT'S EXHIBITS:**

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1 THE STATE OF TEXAS:


2 COUNTY OF HIDALGO:

3 CERTIFICATE OF COURT REPORTER

4 I, ADELAIDO FLORES, JR, Official Court Reporter in  
5 and for the 430th Judicial District Court of Hidalgo  
6 County, State of Texas, do hereby certify that the above  
7 and foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-entitled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the  
14 proceedings truly and correctly reflects the exhibits, if  
15 any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 13th day of  
17 July, 2009.

18   
19 ADELAIDO FLORES, JR., Texas CSR  
20 Official Court Reporter  
21 430th District Court  
22 111 SO. 9th Street  
23 Edinburg, Texas 78539  
24 (956) 318-2900  
25 Certificate No. 1117  
Expiration Date: 12/31/10

Adelaido Flores, Jr.  
Certified Shorthand Reporter